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NEW YORK, NY 10017

In re Application of
Mann
Application No. 08/843,162
Filed: April 11, 1997
For: PORTABLE TREESTAND WITH A
RECLINING AND RETRACTABLE SEAT

OFFICE OF PETITIONS
PETITION A/C PATENTS

This is a decision on the petition filed March 8, 2001 under 37 CFR 1.181 requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTH** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

The application became abandoned August 25, 2000. The application was abandoned for failure to timely respond to the non-final Office action mailed July 24, 2000. The non-final Office action set a one (1) period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were requested. Notice of Abandonment was mailed February 26, 2001.

Petitioner asserts non-receipt of the July 24, 2000 Office action and requests that the holding of abandonment be withdrawn.

Petitioner has provided no evidence to support the assertion of non-receipt of the Office action. The instant petition is not supported by documentary evidence to overcome the presumption that the communication was properly mailed to the applicant at the correspondence address of record. The standard for overcoming the presumption of receipt of an Office communication is set forth in Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971). Petitioner's attention is also directed to MPEP 711.03(c) for further guidance on this matter.

Should petitioner wish to have the holding of abandonment reconsidered, a thorough explanation supported by documentary evidence consistent with the guidelines set forth under Delgar v.

Schuyler, supra, and MPEP 711.03(c) must be submitted.

Petitioner is advised that should the petition to withdraw the holding of abandonment be granted upon renewed petition, the Office action of July 24, 2000 will be remailed and a new period of time for reply instated.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
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Telephone inquiries concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.


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